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State of New Mexico
ENVIRONMENT DEPARTMENT
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MARK E. WEIDLER
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EDGAR T. THORNTON, III
DEPUTY SECRETARY

GARY E. JOHNSON
GOVERNOR

April 28, 1997

Cooper Wayman
Area Office Legal Counsel
U.S. Dept. of Energy
Carlsbad Area Office
P.O. Box 3090
Carlsbad, NM 88221

Gloria Barnes
Senior Counsel
Westinghouse Corporation
Waste Isolation Pilot Plant
P.O. Box 2078 MS-120
Carlsbad, NM 88221-2078



Dear Cooper and Gloria:

At our last meeting, we discussed whether Westinghouse Corporation is required to meet the financial responsibility requirements of the Hazardous Waste Act ("Act") Section 74-4-4(A)(5)(f)(i), due to the fact that the applicant is a private contractor and an operator of the Waste Isolation Pilot Plant (WIPP). At that meeting, you promised to provide us with a legal opinion in this regard.

The Act imposes disclosure requirements upon "every applicant for a permit" with the exceptions set forth in Section 74-4-4.7(f) pertaining to the United States. We request that in addition to preparing a response regarding financial responsibility, you provide HRMB the appropriate information to comply with the disclosure requirements.

Finally, we request that the Department of Energy (DOE) and Westinghouse Corporation provide HRMB with all information relevant to Sections 74-4-4.2(D)(4), (5), and (6) on or before June 1, 1997. If this information has been previously supplied, please inform us of the location. This type of information may be a relevant factor with regard to financial responsibility requirements under the Act.

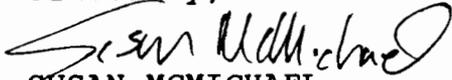
Please provide a response regarding financial responsibility as soon as possible. We request that you provide all required



information directly to Benito Garica, Bureau Chief, Hazardous and Radioactive Material Bureau.

If you have any further questions, do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan McMichael".

SUSAN MCMICHAEL
Assistant General Counsel

cc: Benito Garcia
Eric Ames